

MINUTES OF THE REGULAR MEETING OF **April 2, 2025**

The regular meeting of the Sussex County Planning and Zoning Commission was held on Wednesday afternoon, **April 2, 2025**, in the County Council Chambers, Sussex County Administrative Office Building, 2 The Circle, Georgetown, Delaware.

The meeting was called to order at 5:00 p.m. with Chairman Wheatley presiding. The following members of the Commission were present: Mr. Robert Wheatley, Ms. Holly Wingate, Mr. Brian Butler, and Mr. Scott Collins. Mr. Mears was absent. Also, in attendance were Mr. Jamie Whitehouse – Director of Planning & Zoning, Mr. Vincent Robertson – Assistant County Attorney, Mr. Michael Lowrey – Planner III and Ms. Ann Lepore – Planner I.

Motion by Ms. Wingate, seconded by Mr. Butler, and carried unanimously to approve the Agenda as CIRCULATED. Motion carried 4-0.

Motion by Ms. Wingate, seconded by Mr. Collins, to approve the Minutes of February 19, 2025, of the Planning and Zoning Commission Meetings as CIRCULATED. Motion carried 4-0.

PUBLIC COMMENT

The Commission found that no one was present who wished to provide public comment.

OTHER BUSINESS

Cambria Hotel – Parcel B

Revised Final Site Plan

This is a Revised Final Site Plan for Cambria Hotel – Parcel B for the construction of a 10,800 square foot building for office use and other site improvements. At their meeting of October 13, 2021, the Planning and Zoning Commission approved the Final Site Plan for Cambria Hotel and Restaurant with parking in the front yard setback. Parcel B was subdivided from the main parcel on September 20, 2022 (PB 380/20). The parcel is located on the northeast corner of Hood Road and Lexus Lane. This project is also located within the Henlopen Transportation District (TID) and shall be subject to DelDOT's requirements. The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-12.00-127.13. Zoning: Commercial Residential (CR-1) Zoning District. Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for final approval.

Motion by Mr. Collins, seconded by Ms. Wingate and carried unanimously to Approve the Revised Final Site Plan. Motion carried 4-0.

S-24-76 Five Points Square

Preliminary Site Plan

This is a Preliminary Site Plan for Five Points Square for the construction of a 5,600 square foot building for Commercial and Retail use and other site improvements. The parcel is located on the north side of Marsh Road (S.C.R.269B) and the south side of Savannah Road (S.C.R. 18). The Revised Final Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 334-6.00-26.02. Zoning: General Commercial (C-1) Zoning District. Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Collins, seconded by Mr. Butler and carried unanimously to Approve the Revised Final Site Plan with final approval be made subject to staff upon receipt of all agency approvals. Motion carried 4-0.

S-24-47 Sunrise Condominiums

Revised Final Site Plan

This is a Revised Final Site Plan for Sunrise Condominiums proposing six (6) detached condominium structures, stormwater management, parking, and internal road to be located on (1.28) acres +/- . Conditional Use No. 2497 (Multifamily use) was approved by the Sussex County Council at their meeting of Tuesday, June 11th, 2024, through Ordinance No. 3022. The Plan received Preliminary Site Plan Approval at the Planning & Zoning commission meeting of August 21, 2024, and was stamped with Final Approval by P&Z on October 3, 2024. The only changes from the previously approved Site Plan are the removal of the pavilion and “Gathering Area” as well as relocation of the mailbox facility. The property is located on the east side of Coastal Highway (Rt. 1), approximately 0.19 mile north of the intersection of Coastal Highway (Route 1) and Indian Harbor Villas Drive. The Preliminary Site Plan complies with the Sussex County Zoning Code. Tax Parcel: 134-5.00-4.00. Zoning: MR (Medium-Density Residential Zoning District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for Final approval.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to Approve the Revised Final Site Plan. Motion carried 4-0.

Lands of Teodoro and Missi Andrade

Minor Subdivision Plan off of a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 0.752-acres +/--proposed Lot 2 will consist of 0.751-acres +/-, and the residual lands will contain 2.137-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located west of Brittingham Road (S.C.R. 455). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 532-22.00-34.00 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement. Motion carried 4-0.

Lands of Jerome and Catherine Stratton

Minor Subdivision Plan off of a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of three (3) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Parcel A will consist of 1.0102-acres +/-, proposed Parcel B will consist of 1.0102-acres +/-, proposed Parcel C will consist of 1.0102-acres +/-, and the residual lands will contain 1.9694-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located east of Josephs Road (S.C.R. 281), approximately 1,570-feet south of Lewes Georgetown Highway (Route 9). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 334-10.00-30.07 Zoning: AR-1 (Agricultural Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Ms. Wingate, seconded by Mr. Butler and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement with final approval be made subject to staff upon the receipt of all agency approvals. Motion carried 4-0.

Lands of Benigno Morales

Minor Subdivision Plan off of a proposed 40-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off a proposed 40-ft wide ingress/egress access easement. Proposed Lot 1 will consist of 1.168-acres +/--proposed Lot 2 will consist of 1.132-acres +/-, and the residual lands will contain 1.180-acres +/- . A shared use maintenance agreement shall be established for the use of the shared access road. The property is located northeast of Deer Forest Road (S.C.R. 565), approximately 1,981 feet +/- southeast of Oak Road (S.C.R. 594). The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 430-16.00-40.12 Zoning: AR-1 (Agricultural Residential District). Staff are in receipt of all agency approvals. Therefore, the Plans are eligible for both preliminary and final approval.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off a proposed 40-ft easement. Motion carried 4-0.

Lands of King Development, LLC

Minor Subdivision Plan off of a proposed 30-ft easement

This is a Minor Subdivision Plan for the creation of two (2) lots plus the residual lands with access off a proposed 30-ft wide ingress/egress access easement. Proposed Lot A will consist of 0.76 acres +/-and proposed Lot B will consist of 0.75 acres +/- . Lots A and B will have access off of the proposed shared access easement, a shared use maintenance agreement shall be established for the use of the proposed shared access road. The residual lands will contain 0.75 acres+/- and shall

have access off of an existing 30 ft. ingress/egress access easement. The property is located on the south side of Brick Granary Road (S.C.R. 224), approximately 75 ft. east of Holly Branch Way. The Minor Subdivision Plan complies with the Sussex County Zoning and Subdivision Codes. Tax Parcel: 230-7.00-138.01 Zoning: GR (General Residential District). Staff are awaiting agency approvals. Should the Commission desire to act favorably on this proposal, staff are requesting that final approval be made subject to staff upon the receipt of all agency approvals.

Motion by Mr. Butler, seconded by Mr. Collins and carried unanimously to Approve the Minor Subdivision Plan off a proposed 30-ft easement with final approval be made subject to staff upon the receipt of all agency approvals. Motion carried 4-0.

OLD BUSINESS

C/Z 2001 Belmead Farm, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A C-4 PLANNED COMMERCIAL DISTRICT FOR CERTAIN PARCELS OF LAND LYING AND BEING IN LEWES AND REHOBOTH HUNDRED, SUSSEX COUNTY, CONTAINING 39.22 ACRES, MORE OR LESS. The property is lying on the east side of John J. Williams Highway (Route 24) approximately 0.31 mile southwest of Mulberry Knoll Road (S.C.R. 284). 911 Address: 20033 John J. Williams Highway, Lewes. Tax Parcel Nos.: 334-18.00-40.01 & 40.06.

In relation to **C/Z 2001 Belmead Farm, LLC**. Mr. Whitehouse announced that comments have been received from the School District, that the record will remain open for ten (10) business days for comments from the Public regarding the School District comments only.

ORD 24-04

AN ORDINANCE TO AMEND THE FUTURE LAND USE MAP OF THE COMPREHENSIVE PLAN IN RELATION TO TAX PARCEL NO. 135-11.00-65.00. The Parcel containing approximately 9.623 acres of land, lying and being within Georgetown Hundred, and located on the northeast side of Gravel Hill Road (Route 30), approximately 0.02 mile east of the intersection of Gravel Hill Road (Route 30) and Lewes Georgetown Highway (Route 9)

The Commission discussed this application which has been deferred since March 19, 2025.

Motion by Ms. Wingate, seconded by Mr. Collins and carried unanimously to recommend **Defer Action** of **ORD. 24-04** for further consideration. Motion carried 4-0.

PUBLIC HEARINGS

Mr. Robertson described the procedures for public hearings before the Planning and Zoning Commission.

Chairman Wheatley stated for the record that **C/Z 2049 Toney Floyd Trucking, LLC** and **C/U 2580 Toney Floyd Trucking, LLC** would be heard as one case for presentation purposes as they are in relation to each other.

C/Z 2049 Toney Floyd Trucking, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN B-2 COMMUNITY BUSINESS DISTRICT TO AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS. The property is lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 520 feet northeast of Layton Avenue. 911 Address: N/A. Tax Map Parcel: 234-32.00-60.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the survey for the property, a copy of the Applicants exhibits, a copy of the conditional use site plan, a copy of the staff analyses, one (1) for each application, a copy of the DelDOT SLER, a copy of letters received from Sussex County Engineering Department, Utility Planning Division and have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the plan is to rezone the lot from a B-2 to an AR-1 to allow for a Conditional Use for commercial hauling of goods and materials, delivery services and a driveway installation business; that this application comes as a result of a previously denied proposal for the same business at another location; that the new location is surrounded by commercial and residential properties and is currently zoned AR-1 (Agricultural Residential) and is within a developing area; that per the Comprehensive Plan growth areas are located near municipalities or town centers; that the proposed business aligns with this vision by promoting residential and commercial development in Sussex County; that it will facilitate the transportation of essential materials for construction and development projects in the County; that the applicant will keep necessary materials and vehicles on site enhancing the services into a developing area; that the concept plan has an access road proposed off of Route 24 for the trucks to be able to drive right in and directly into a parking space or right up to the material storage bins; that there is proposed fencing around the side and rear yards to serve as a visual screen, a 40'x80' building and material storage bins are proposed to be placed on the property; that DelDOT reviewed the Service Level Evaluation Report and concluded that the proposed use would have a diminutive impact on local roadways; that there are less than fifty (50) vehicle trips per day expected to be generated; that public water and sewer are not available, but the applicant will likely install a well; that the rezoning request is to return the property to its prior designation

of AR-1 (Agricultural Residential) from the B-2 (Business Community) because the current zoning does not allow the Conditional Use to occur; that the proposed use meets the purpose of a Conditional Use as outlined in the Code, given its public and semi-public character which serves the general convenience and welfare of the community; and that the following Conditions of Approval were offered by the applicant:

1. Hours of Operation would be 6:30AM – 6:30PM, Monday through Friday and 8:00AM – 3:00PM on Saturday.
2. Deliveries of materials shall be made between 9:00AM – 4:00PM, Monday through Friday with no Sunday hours at all.
3. No stockpiling of materials, all associated materials with respect to the driveway installation business must be kept in orderly condition.
4. Parking shall be in compliance with the Code.
5. No junk or inoperable or unregistered vehicles, trailers or equipment shall be permitted.
6. No maintenance, except for minor mobile maintenance shall be performed.
7. No hazardous materials or fuel shall be stored on the property, except for limited quantities for routine vehicle and equipment maintenance.
8. Security lighting shall be installed.
9. Dumpsters and trash receptacles shall be screened.
10. One lighted sign not to exceed 32 square feet in size permitted.

There was a signed petition entered into the applicants file with the support of all the neighboring property owners.

Mr. Tom Hickey, who lives directly behind the applicant's property, stated that he is in favor of this operation to be at this location.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/Z 2049 Toney Floyd Trucking, LLC**. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

C/U 2580 Toney Floyd Trucking, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT FOR COMMERCIAL HAULING, GOODS AND MATERIALS DELIVERY SERVICES, AND DRIVEWAY INSTALLATION BUSINESS TOGETHER WITH STORAGE OF VEHICLES, EQUIPMENT, AND MATERIALS TO BE LOCATED ON A CERTAIN PARCEL OF LAND LYING AND BEING IN INDIAN RIVER HUNDRED, SUSSEX COUNTY, CONTAINING 0.95 ACRES, MORE OR LESS. The property is lying on the southeast side of John J. Williams Highway (Rt. 24), approximately 520 feet northeast of Layton Avenue. 911 Address: N/A. Tax Map Parcel: 234-32.00-60.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the survey for the property, a copy of the Applicants exhibits, a copy of the conditional use site plan, a copy of the staff analyses, one (1) for each application, a copy of the DelDOT SLER, a copy of letters received from Sussex County Engineering Department, Utility Planning Division and have received zero comments.

Ms. Mackenzie Peet, Esq., of Saul Ewing, LLP, spoke on behalf of the Applicant that the plan is to rezone the lot from a B-2 to an AR-1 to allow for a Conditional Use for commercial hauling of goods and materials, delivery services and a driveway installation business; that this application comes as a result of a previously denied proposal for the same business at another location; that the new location is surrounded by commercial and residential properties and is currently zoned AR-1 (Agricultural Residential) and is within a developing area; that per the Comprehensive Plan growth areas are located near municipalities or town centers; that the proposed business aligns with this vision by promoting residential and commercial development in Sussex County; that it will facilitate the transportation of essential materials for construction and development projects in the County; that the applicant will keep necessary materials and vehicles on site enhancing the services into a developing area; that the concept plan has an access road proposed off of Route 24 for the trucks to be able to drive right in and directly into a parking space or right up to the material storage bins; that there is proposed fencing around the side and rear yards to serve as a visual screen, a 40'x80' building and material storage bins are proposed to be placed on the property; that DelDOT reviewed the Service Level Evaluation Report and concluded that the proposed use would have a diminutive impact on local roadways; that there are less than fifty (50) vehicle trips per day expected to be generated; that public water and sewer are not available, but the applicant will likely install a well; that the rezoning request is to return the property to its prior designation of AR-1 (Agricultural Residential) from the B-2 (Business Community) because the current zoning does not allow the Conditional Use to occur; that the proposed use meets the purpose of a Conditional Use as outlined in the Code, given its public and semi-public character which serves the general convenience and welfare of the community; and that the following Conditions of Approval were offered by the applicant:

1. Hours of Operation would be 6:30AM – 6:30PM, Monday through Friday and 8:00AM – 3:00PM on Saturday.
2. Deliveries of materials shall be made between 9:00AM – 4:00PM, Monday through Friday with no Sunday hours at all.
3. No stockpiling of materials, all associated materials with respect to the driveway installation business must be kept in orderly condition.
4. Parking shall be in compliance with the Code.
5. No junk or inoperable or unregistered vehicles, trailers or equipment shall be permitted.
6. No maintenance, except for minor mobile maintenance shall be performed.
7. No hazardous materials or fuel shall be stored on the property, except for limited quantities for routine vehicle and equipment maintenance.
8. Security lighting shall be installed.

9. Dumpsters and trash receptacles shall be screened.
10. One lighted sign not to exceed 32 square feet in size permitted.

There was a signed petition entered into the applicants file with the support of all the neighboring property owners.

Mr. Tom Hickey, who lives directly behind the applicant's property, stated that he is in favor of this operation to be at this location.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/U 2580 Toney Floyd Trucking, LLC**. Motion by Ms. Wingate to defer action for further consideration, seconded by Mr. Collins and carried unanimously. Motion carried 4-0.

Chairman Wheatley stated for the record that **C/Z 2016 Marlin Cove, LLC, C/U 2459 Marlin Cove, LLC and 2023-08 Marlin Cove, LLC** would be heard as one (1) case for presentation purposes as they are in relation to each other.

C/Z 2016 Marlin Cove, LLC

AN ORDINANCE TO AMEND THE COMPREHENSIVE ZONING MAP OF SUSSEX COUNTY FROM AN AR-1 AGRICULTURAL RESIDENTIAL DISTRICT TO A MR MEDIUM DENSITY RESIDENTIAL DISTRICT FOR A CERTAIN PARCEL OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 60.84 ACRES, MORE OR LESS. The property is lying on the west side of New Road (S.C.R. 391), approximately 65 feet north of Lighthouse Road (Rt. 54). 911 Address: N/A. Tax Map Parcel: 533-19.00-7.00, 8.01, & 9.00.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's preliminary subdivision plan, a copy of the Conditional Use site plan, a copy of the Applicant's exhibit booklet, a copy of the Applicant's environmental assessment, a copy of Technical Advisory Comments, including comments from the US Department of Agriculture, a copy of the staff analysis, a copy of the DelDOT SLER letters, a copy of letters received from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's drainage assessment, a copy of the Applicant's Resource Buffer Management Plan and one (1) letter in your paperless packets; that to provide a summary, there are three (3) applications that we have the vote on the same development; that the Conditional Use relates to part of the site, the Change of Zone relates to the part of the site and the Subdivision relates to the entirety of the site, which is why the acreage and tax parcel numbers are different; that essentially what we have is three (3) applications, one (1) is an application to subdivide the site to create 107 single family

homes, an application to rezone the site to MR (Medium Residential) Zoning, which allows for a Conditional Use for fifty-three (53) duplex lots, a total of 213 homes across the entire parcel.

Mr. Tim Willard, of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant that the choice was made to present the applications like this rather than as an MR-RPC because there is no Commercial aspect to the plan; that the current proposal is planned to treat this as a Cluster Subdivision in a Coastal Area with an added Conditional Use; that the Subdivision cannot get preliminary approval without the necessary underlying zoning to support it, so it would need to be held in abeyance until the rest of the applications went through the County Council hearing on June 10, 2025; that the property is West of Fenwick, off of New Road, near the entrance to Bayside and a large commercial area with a shopping center; that the plan is to have the density of 3.5 units per acre, 32.4 acres of open space and a 30-foot forested buffer around the property; that there will be sidewalks on at least one (1) side of all roads throughout the development, a multimodal path and two (2) entrances, one (1) on the North end and one (1) on the Southern end that will be connected in the middle; that the design is a horseshoe shape, with the Southern portion having the fifty-three (53) duplex lots and 107 single family detached cluster lots to the North; that DelDOT has required the developer to pay for any improvements, including the right turn lanes on New Road and the widening of the roads in front of all of the subdivision entrances; that the amenities will include a community center with a community room, changing room, pool and pool deck; and that there will be a tot lot and a playground or pickle ball court with parking to go along with it.

Mr. Ed Launay, of Environmental Resource Insights, spoke on behalf of the Applicant that the property has areas of wooded wetlands that drain into the Roy Creek; that in that area there is a culvert and ditch that bisects the wetland area which flows into the Roy Creek, which eventually flows into the inland bays; that there are there is a drainage ditch network that goes around the property and that will allow for the property to drain down to the ditch in the wetlands and flow out to the Roy Creek and ultimately to the inland bays; that along those regulated wetlands there is a required buffer of 30-feet which the Applicant did, plus an additional 15-feet voluntarily; and that the current drainage channels are very shallow and the plan is to reconstruct and modernize the whole system so that it would be up to standard.

Mr. Tim Willard, spoke on behalf of the Applicant that the property is eligible for County water and sewer and that the project is in compliance with the standards of the 99-9C; that the traffic, stormwater management, and environmental assessments are all addressed and copies of the reports are in the Applicant's packet; that the property is located mostly in the State Strategy Level 3, which calls for growth and development and the proposed development is consistent with the 2020 Comprehensive Plan; that being in the Coastal Area it is appropriate for the range of housing types that are being proposed; that medium and higher densities can be appropriate in certain areas of the Coastal Area, especially those that are supported by Central water and sewer like in this application; that the area surrounding this property is a mixture of MR (Medium Residential), AR-1 (Agricultural Residential) and properties with Conditional Uses to allow for higher density housing, which makes this application more like an infill in that area.

Mr. Russell Garufi, spoke in favor of the Applicant that he has lived across the street from this property for twenty (20) years and is looking forward to the work that they are planning on doing that will help improve the drainage issues that they are currently experiencing in the area.

Ms. Wingate questioned the number of units that are planned as there is some discrepancies in the documents presented by the Applicant.

Mr. Rich Pulp, of Vista Design, spoke on behalf of the Applicant, that the project was originally planned to have 114 single family detached homes, which has been reduced down to 107 to avoid an area of non-regulated wetlands on the property, which brought the total number of units from 220 to 213; that the open space on the property will consist of the 30 foot buffer, the stormwater management ponds, the wetlands that are being preserved and the open space spread throughout the community; that as part of the traffic operational agreement that was agreed upon with DelDOT required frontage improvements across the entire frontage of the development to include a right of way dedication to the Marlin Cove side, but none required on the East side of New Road; that DelDOT wants the entire road to be widened and right turn lanes to be installed at both subdivision entrances on New Road; that they are requiring that a multimodal path be installed along the entire frontage of the development; that as part of the improvements they are basically reconstructing the entire New Road, putting in a bike lane along the shoulder and widened to DelDOT standards for width and pavement; that there will be a 5 foot shoulder on each side with 11 foot travel lanes, and 11 foot wide turn lanes in the vicinity of the entrances; and that DelDOT has placed a requirement on the development to improve the drainage with an adequate pipe that will convey upstream drainage underneath the road to prevent the flooding and crossing over of water on the road.

Ms. Missy Nowak, who lives across the street from the property, spoke in opposition to the application that the community will have the duplexes under individual owners that can do whatever they want with their yard with no common maintenance requirements; and that is the buffer around the outside of the community going to have a berm, lighting or any kind of plantings?

Mr. Rich Pulp, spoke on behalf of the Applicant that, there is the hope that the Conditions of Approval will have a Master Homeowners Association that would cover the entire development as a whole to maintain uniformity in terms of appearance and maintenance; and that the 30 foot buffer around the property is intended to be made up of the existing trees and vegetation already in place and to fill in any areas with insufficient numbers to keep it up to the Sussex County standard.

Mr. Rich DiBiasi, of Fenwick West, spoke in opposition to the application that, the widening of the road only in front of the development makes no sense as you are going to create a funnel action and by having a high density development the traffic will be an issue on the rest of New Road, not just that portion in front of the development.

Ms. Ellen McGee, of 34857 Lane House Rd., Selbyville, spoke in opposition to the application that her family has owned and operated the McGee Farm for 160 years and this development will impede on their rights as a property owner; that she rents the farm out for deer hunting and in order to do so you would need 150 yards from any dwelling and that will not be feasible with this development going in; and that this development has been poorly designed with lack of open space, not enough amenities for the size and too many units for a farming area not a town center area.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/Z 2016 Marlin Cove, LLC**. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

C/U 2459 Marlin Cove, LLC

AN ORDINANCE TO GRANT A CONDITIONAL USE OF LAND IN AN MR MEDIUM-DENSITY RESIDENTIAL DISTRICT FOR MULTI-FAMILY DWELLINGS (106 UNITS) TO BE LOCATED ON CERTAIN PARCELS OF LAND LYING AND BEING IN BALTIMORE HUNDRED, SUSSEX COUNTY, CONTAINING 23.90 ACRES, MORE OR LESS. The property is lying on the west side of New Road (S.C.R. 391), approximately 65 feet north of Lighthouse Road (Rt. 54). 911 Address: N/A. Tax Map Parcel: 533-19.00-7.00 & 8.01.

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's preliminary subdivision plan, a copy of the Conditional Use site plan, a copy of the Applicant's exhibit booklet, a copy of the Applicant's environmental assessment, a copy of Technical Advisory Comments, including comments from the US Department of Agriculture, a copy of the staff analysis, a copy of the DelDOT SLER letters, a copy of letters received from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's drainage assessment, a copy of the Applicant's Resource Buffer Management Plan and one (1) letter in your paperless packets; that to provide a summary, there are three (3) applications that we have the vote on the same development; that the Conditional Use relates to part of the site, the Change of Zone relates to the part of the site and the Subdivision relates to the entirety of the site, which is why the acreage and tax parcel numbers are different; that essentially what we have is three (3) applications, one (1) is an application to subdivide the site to create 107 single family homes, an application to rezone the site to MR (Medium Residential) Zoning, which allows for a Conditional Use for fifty-three (53) duplex lots, a total of 213 homes across the entire parcel.

Mr. Tim Willard, of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant that the choice was made to present the applications like this rather than as an MR-RPC because there is no Commercial aspect to the plan; that the current proposal is planned to treat this as a Cluster Subdivision in a Coastal Area with an added Conditional Use; that the Subdivision cannot get preliminary approval without the necessary underlying zoning to support it, so it would need to be

held in abeyance until the rest of the applications went through the County Council hearing on June 10, 2025; that the property is West of Fenwick, off of New Road, near the entrance to Bayside and a large commercial area with a shopping center; that the plan is to have the density of 3.5 units per acre, 32.4 acres of open space and a 30-foot forested buffer around the property; that there will be sidewalks on at least one (1) side of all roads throughout the development, a multimodal path and two (2) entrances, one (1) on the North end and one (1) on the Southern end that will be connected in the middle; that the design is a horseshoe shape, with the Southern portion having the fifty-three (53) duplex lots and 107 single family detached cluster lots to the North; that DelDOT has required the developer to pay for any improvements, including the right turn lanes on New Road and the widening of the roads in front of all of the subdivision entrances; that the amenities will include a community center with a community room, changing room, pool and pool deck; and that there will be a tot lot and a playground or pickle ball court with parking to go along with it.

Mr. Ed Launay, of Environmental Resource Insights, spoke on behalf of the Applicant that the property has areas of wooded wetlands that drain into the Roy Creek; that in that area there is a culvert and ditch that bisects the wetland area which flows into the Roy Creek, which eventually flows into the inland bays; that there are there is a drainage ditch network that goes around the property and that will allow for the property to drain down to the ditch in the wetlands and flow out to the Roy Creek and ultimately to the inland bays; that along those regulated wetlands there is a required buffer of 30-feet which the Applicant did, plus an additional 15-feet voluntarily; and that the current drainage channels are very shallow and the plan is to reconstruct and modernize the whole system so that it would be up to standard.

Mr. Tim Willard, spoke on behalf of the Applicant that the property is eligible for County water and sewer and that the project is in compliance with the standards of the 99-9C; that the traffic, stormwater management, and environmental assessments are all addressed and copies of the reports are in the Applicant's packet; that the property is located mostly in the State Strategy Level 3, which calls for growth and development and the proposed development is consistent with the 2020 Comprehensive Plan; that being in the Coastal Area it is appropriate for the range of housing types that are being proposed; that medium and higher densities can be appropriate in certain areas of the Coastal Area, especially those that are supported by Central water and sewer like in this application; that the area surrounding this property is a mixture of MR (Medium Residential), AR-1 (Agricultural Residential) and properties with Conditional Uses to allow for higher density housing, which makes this application more like an infill in that area.

Mr. Russell Garufi, spoke in favor of the Applicant that he has lived across the street from this property for twenty (20) years and is looking forward to the work that they are planning on doing that will help improve the drainage issues that they are currently experiencing in the area.

Ms. Wingate questioned the number of units that are planned as there is some discrepancies in the documents presented by the Applicant.

Mr. Rich Pulp, of Vista Design, spoke on behalf of the Applicant, that the project was originally planned to have 114 single family detached homes, which has been reduced down to 107 to avoid an area of non-regulated wetlands on the property, which brought the total number of units from 220 to 213; that the open space on the property will consist of the 30 foot buffer, the stormwater management ponds, the wetlands that are being preserved and the open space spread throughout the community; that as part of the traffic operational agreement that was agreed upon with DelDOT required frontage improvements across the entire frontage of the development to include a right of way dedication to the Marlin Cove side, but none required on the East side of New Road; that DelDOT wants the entire road to be widened and right turn lanes to be installed at both subdivision entrances on New Road; that they are requiring that a multimodal path be installed along the entire frontage of the development; that as part of the improvements they are basically reconstructing the entire New Road, putting in a bike lane along the shoulder and widened to DelDOT standards for width and pavement; that there will be a 5 foot shoulder on each side with 11 foot travel lanes, and 11 foot wide turn lanes in the vicinity of the entrances; and that DelDOT has placed a requirement on the development to improve the drainage with an adequate pipe that will convey upstream drainage underneath the road to prevent the flooding and crossing over of water on the road.

Ms. Missy Nowak, who lives across the street from the property, spoke in opposition to the application that the community will have the duplexes under individual owners that can do whatever they want with their yard with no common maintenance requirements; and that is the buffer around the outside of the community going to have a berm, lighting or any kind of plantings?

Mr. Rich Pulp, spoke on behalf of the Applicant that, there is the hope that the Conditions of Approval will have a Master Homeowners Association that would cover the entire development as a whole to maintain uniformity in terms of appearance and maintenance; and that the 30 foot buffer around the property is intended to be made up of the existing trees and vegetation already in place and to fill in any areas with insufficient numbers to keep it up to the Sussex County standard.

Mr. Rich DiBiasi, of Fenwick West, spoke in opposition to the application that, the widening of the road only in front of the development makes no sense as you are going to create a funnel action and by having a high density development the traffic will be an issue on the rest of New Road, not just that portion in front of the development.

Ms. Ellen McGee, of 34857 Lane House Rd., Selbyville, spoke in opposition to the application that her family has owned and operated the McGee Farm for 160 years and this development will impede on their rights as a property owner; that she rents the farm out for deer hunting and in order to do so you would need 150 yards from any dwelling and that will not be feasible with this development going in; and that this development has been poorly designed with lack of open space, not enough amenities for the size and too many units for a farming area not a town center area.

Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **C/U 2459 Marlin Cove, LLC**. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

2023-08 Marlin Cove

A Coastal Area cluster subdivision to divide 60.84 acres +/- into one hundred and seven (107) single-family lots and one hundred and six (106) duplex housing units on fifty-three (53) lots. The properties are located on the west side of New Road (S.C.R. 391), approximately 65 feet north of Lighthouse Road (Rt. 54). 911 Addresses: N/A. Tax Parcels: 533-19.00-7.00, 8.01 & 9.00. Zoning: AR-1 (Agricultural Residential).

Mr. Whitehouse advised the Commission that submitted into the record were a copy of the Applicant's preliminary subdivision plan, a copy of the Conditional Use site plan, a copy of the Applicant's exhibit booklet, a copy of the Applicant's environmental assessment, a copy of Technical Advisory Comments, including comments from the US Department of Agriculture, a copy of the staff analysis, a copy of the DelDOT SLER letters, a copy of letters received from the Sussex County Engineering Department Utility Planning Division, a copy of the Applicant's drainage assessment, a copy of the Applicant's Resource Buffer Management Plan and one (1) letter in your paperless packets; that to provide a summary, there are three (3) applications that we have the vote on the same development; that the Conditional Use relates to part of the site, the Change of Zone relates to the part of the site and the Subdivision relates to the entirety of the site, which is why the acreage and tax parcel numbers are different; that essentially what we have is three (3) applications, one (1) is an application to subdivide the site to create 107 single family homes, an application to rezone the site to MR (Medium Residential) Zoning, which allows for a Conditional Use for fifty-three (53) duplex lots, a total of 213 homes across the entire parcel.

Mr. Tim Willard, of Fuqua, Willard & Schab, P.A., spoke on behalf of the Applicant that the choice was made to present the applications like this rather than as an MR-RPC because there is no Commercial aspect to the plan; that the current proposal is planned to treat this as a Cluster Subdivision in a Coastal Area with an added Conditional Use; that the Subdivision cannot get preliminary approval without the necessary underlying zoning to support it, so it would need to be held in abeyance until the rest of the applications went through the County Council hearing on June 10, 2025; that the property is West of Fenwick, off of New Road, near the entrance to Bayside and a large commercial area with a shopping center; that the plan is to have the density of 3.5 units per acre, 32.4 acres of open space and a 30-foot forested buffer around the property; that there will be sidewalks on at least one (1) side of all roads throughout the development, a multimodal path and two (2) entrances, one (1) on the North end and one (1) on the Southern end that will be connected in the middle; that the design is a horseshoe shape, with the Southern portion having the fifty-three (53) duplex lots and 107 single family detached cluster lots to the North; that DelDOT has required the developer to pay for any improvements, including the right turn lanes on New Road and the widening of the roads in front of all of the subdivision entrances; that the

amenities will include a community center with a community room, changing room, pool and pool deck; and that there will be a tot lot and a playground or pickle ball court with parking to go along with it.

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frontage of the development; that as part of the improvements they are basically reconstructing the entire New Road, putting in a bike lane along the shoulder and widened to DelDOT standards for width and pavement; that there will be a 5 foot shoulder on each side with 11 foot travel lanes, and 11 foot wide turn lanes in the vicinity of the entrances; and that DelDOT has placed a requirement on the development to improve the drainage with an adequate pipe that will convey upstream drainage underneath the road to prevent the flooding and crossing over of water on the road.

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Upon there being no further questions Chairman Wheatley closed the public hearing.

At the conclusion of the public hearing, the Commission discussed the Application.

In relation to **2023-08 Marlin Cove**. Motion by Mr. Collins to defer action for further consideration, seconded by Mr. Butler and carried unanimously. Motion carried 4-0.

Meeting adjourned at 6:58 p.m.

**Planning and Zoning Commission meetings can be monitored on the
internet at www.sussexcountyde.gov.**
